

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DUKE E. CRANFORD

Case No. 2:15-cv-02189-GMN-PAL

Plaintiff,

V.

E.K. McDANIEL, et al.,

ORDER

Defendants.

This matter is before the court on the Nevada Office of the Attorney General’s (“Attorney General”) failure to comply this court’s Order (ECF No. 19).

Upon review of the Second Amended Complaint (ECF No. 11), the court issued a Screening Order (ECF No. 13) finding that Plaintiff stated a plausible Eighth Amendment claim of deliberate indifference to a serious medical need against Defendants E.K. McDaniels, Romeo Aranas, B. Stroud, Dr. Leaks, and nurse Molly. The court stayed the case for 90 days to allow the parties an opportunity to settle their dispute through the Inmate Early Mediation Program before the filing of an answer or starting the discovery process. *See* Screening Order (ECF No. 13); Order (ECF No. 15). However, the parties did not reach a settlement and the case was returned to the normal litigation track. *See* Mins. of Proceedings (ECF No. 16).

On November 18, 2016, the court entered an Order (ECF No. 19) directing electronic service of the Second Amended Complaint on the Attorney General and instructing that a notice be filed within 21 days advising the court and Plaintiff of the names of the defendants for whom the Attorney General accepts service, and those it does not. *Id.* ¶ 5. The Order further instructed:

As to any of the named defendants for whom the Attorney General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information. If the last known address of the defendant(s) is a post office box, the

1 Attorney General's Office shall attempt to obtain and provide the last known
2 physical address(es).

3 *Id.*

4 On December 9, 2016, the Attorney General accepted service on behalf of Defendants E.K.
5 McDaniels, Romeo Aranas, and Bruce Stroud (the "NDOC Defendants"). *See* Notice Acceptance
6 of Service (ECF No. 20). However, service was not accepted for Defendant Molly Chiello, and
7 the Attorney General filed her last known address under seal. *See* Sealed Submission of Last
8 Known Address (ECF No. 21); Notice of Sealed Submission of Last Known Address (ECF
9 No. 22). These filings did not indicate whether the Attorney General was accepting service or
10 refusing to accept service on behalf of Dr. Leaks, and the Attorney General did not submit the
doctor's last known address under seal.

11 Accordingly,

12 **IT IS ORDERED:** the Nevada Office of the Attorney General shall have until **April 26,**
13 **2017**, to comply with the court's Order (ECF No. 19) to advise the court and Plaintiff whether it
14 accepts service on behalf of Dr. Leaks. If the Attorney General's Office cannot accept service, it
15 shall file Dr. Leaks' last known address under seal, or a brief statement indicating it does not have
16 the doctor's last known address.

17 Dated this 14th day of April, 2017.

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PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

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